

SUBCOMMITTEE: FIREARMS

SENATE BILL NO. 71

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute--Senator Lucas)

A BILL to amend and reenact § 18.2-308.1 of the Code of Virginia, relating to possession of firearms, other weapons on school property.

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any child day center or public, private, or religious preschool, elementary, middle, or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he is guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) the property of any child day center or public, private, or religious preschool, elementary, middle, or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he is guilty of a Class 6 felony.

26 C. If any person knowingly possesses any firearm designed or intended to expel a projectile by
27 action of an explosion of a combustible material within the building of a child day center or public, private,
28 or religious preschool, elementary, middle, or high school ~~building~~ and intends to use, or attempts to use,
29 such firearm, or displays such weapon in a threatening manner, such person is guilty of a Class 6 felony
30 and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively
31 with any other sentence.

32 D. The child day center provisions of this section shall only apply during the operating hours of
33 such child day center.

34 E. The exemptions set out in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the
35 provisions of this section. The provisions of this section shall not apply to (i) persons who possess such
36 weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife
37 customarily used for food preparation or service and using it for such purpose; (iii) persons who possess
38 such weapon or weapons as a part of any program sponsored or facilitated by either the school or any
39 organization authorized by the school to conduct its programs either on or off the school premises; (iv)
40 any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of §
41 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi)
42 a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade,
43 in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle;
44 (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a
45 motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school;
46 (viii) a school security officer authorized to carry a firearm pursuant to § 22.1-280.2:1; or (ix) an armed
47 security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a child
48 day center or a private or religious school for the protection of students and employees as authorized by
49 such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three
50 inches or longer and "closed container" includes a locked vehicle trunk.

51 F. As used in this section:

52 "Child day center" means a child day center, as defined in § 63.2-100, that is not operated at the
53 residence of the provider or of any of the children.

54 "Stun weapon" means any device that emits a momentary or pulsed output, which is electrical,
55 audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

56 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
57 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
58 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
59 **therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing**
60 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
61 **Virginia, the estimated amount of the necessary appropriation is _____ for periods of**
62 **commitment to the custody of the Department of Juvenile Justice.**

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